LANDER UNIVERSITY

OFFICE OF PROCUREMENT SERVICES

320 STANLEY AVE., CPO 6023

GREENWOOD, SC 29649

**Cancellation of Award**

**Posting Date:** October 31, 2022

**Solicitation:** RFP-SP-481-10-14-2021

**Description:** Alumni & Fundraising Mass Marketing Email and Website Hosting System

**Basis for Cancellation:**

IN ACCORDANCE WITH SC PROCUREMENT CODE 11-35-1520 (7) Correction or Withdrawal of Bids; Cancellation of Awards, “Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts, after award but before performance, must be supported by a written determination of appropriateness made by the chief procurement officers or head of a purchasing agency.”

Lander University issued Request for Proposal RFP-SP-481-10-14-2021 on September 30, 2021 for an Alumni & Fundraising Mass Marketing Email and Website Hosting System. Proposals were received on October 14, 2021. A statement of award was posted on June 9, 2022 to Anthology Inc. of MO as the most advantageous bidder with a total potential price of $157,841.00. After award, it was discovered Anthology’s response required Lander's acceptance to a MSA agreement. Although there were discussions in an attempt to negotiate these terms, a satisfactory agreement could not be reached by both parties. On June 21, 2022 Anthology stated that if an agreement was not signed by June 28, 2022 the pricing would not be honored (this pricing being part of the basis of award). On June 22, 2022 we advised that our solicitation included a clause titled "CONTENTS OF OFFER" which states that offers including terms and conditions may be removed from consideration, as well as the email noting items still in need of edit. I also advised that if they could not honor the proposed pricing that we would cancel the award. We received a response from Anthology on June 23, however their response did not waive the MSA requirement, address the edits we requested in the prior email or extend the June 28th deadline. As of June 28, 2022 we assumed that the agreement as it stood was no longer valid.

Lander University is issuing the cancellation of the award prior to performance in accordance with REGULATION 19-445.2085 (C)

After an award or notification of intent to award, whichever is earlier, has been issued but before performance has begun, the award or contract may be cancelled and either re-awarded or a new solicitation issued or the existing solicitation canceled, if the Chief Procurement Officer determines in writing that: (7) Administrative error of the purchasing agency discovered prior to performance, or (8) For other reasons, cancellation is clearly in the best interest of the State.

DETERMINATION:

For the reasons stated above, the award to Anthology Inc. of MO is cancelled under Regulation 19-445.2085(C)

M. Scott Pilgrim

Director of Procurement Services

Lander University